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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,047	08/05/2003	Nir Weiss	U014753-5	6959

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Ladas & Parry  
26 West 61st Street  
New York, NY 10023

EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/635,047

Applicant(s)

WEISS, NIR

Examiner

Chi Q Nguyen

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/5/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Exhibits A, B, C

## **DETAILED ACTION**

### ***Claim Objections***

Claim 2 is objected to because a phrase of "the height" does not have antecedent basis. Appropriate correction is required.

Claim 3 is objected to because a phrase of "the provision" does not have antecedent basis. Appropriate correction is required.

Claim 4 is objected to because a phrase of "the open ends" does not have antecedent basis. Appropriate correction is required.

Claim 8 is objected to because phrases of "the corners", "the right edge", "the right side hinge pins", "the left side hinge pins" do not have antecedent basis. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: the applicant is advised to remove "(sukka)". Appropriate correction is required.

Claims 9-12 are objected to because of the following informalities: the preambles of the claims 9-12 are inconsistent with their independent claim 1. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: the applicant is advised to add "s" for "member". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It's not clear that the citation "said side surfaces" is referring to "the minor side surfaces".

In regard claim 2, the citation "co-extensive with the height of the side surface to which they are attached" is confusing because the examiner is not clear what structure "they" is referred to? And "said side surfaces" is the same as "minor side surfaces"? And "the height" does not have antecedent basis. Clarification is required.

Regarding claims 3, 4, 9, and 11, the phrase "can be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Gigante (US 3,779,177). Gigante teaches modular furniture comprising a profile 2 comprising two inter-engagement means 2e arranged at angles of about 90-degree to each other enabling the alternative inter-engagement of the profile (see figures 1-8).

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller (US 5,875,596).

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In regard claims 1-3, Muller shows in figures 3, 4 and 6, a panel member 12 having a top, a bottom, 170, two major surfaces 172 and two minor side surfaces M (see attached figure 4), a first of said minor surfaces being provided with a first profile 90 and a second of said minor side surfaces being provided with a second profile 90, wherein said first profile and said second profile are provided with mean 92a-92d for complementary engagement with a profile of an adjacently-positioned panel, and wherein each of said first profiles is provided with two inter-engagement mean arranged at angle of about 90-degrees to each other enabling the alternative inter-engagement of two adjacent panels with an angle of 180-degree therebetween, and at an angle of about 90-degree therebetween (see fig. 6), and the inter-engage means having a first curved recess 92d at the outer edge and a hook-like means H (see attached figure 4).

In regard claim 4, Muller teaches end top cap or plugs 120/122, made from plastic (col. 6, line 46) having upper projections 148/132, recesses R (see attached figure 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller.

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In regard claim 5, Muller teaches the structural elements for the panel assembly as stated including a flat bottom element sized to fit over the panel top. Muller does not teach expressly the flat bottom element having a U-shaped. It would have been an obvious matter of design choice to have different shape for the flat bottom element such as a U-shape. The motivation for doing so would have been to provide more variety for desirable applications. In regard claim 6, the flat bottom member having a recess 2 is defined between two legs or projections<sup>148</sup>.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Koehler et al (US 4,674,254).

Muller teaches the structural elements for the panel system as stated. Muller does not teach expressly the panels further provided wooden beams with notched at the lower surface adjacent to each wooden beam extremity. Koehler teaches wood track suspension ceiling system having wooden beams 14 with notched 34, 38 at lower surfaces (see fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Muller with Koehler for notched wooden beams. The motivation for doing so would have been to provide more securement for the panels and more reinforcement for the partition system.

Claims 7-and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Schneider et al. (US 5,009,034).

In regard claim 7, Muller teaches the structural elements for the panel system as stated. Muller does not disclose expressly a door panel hingedly suspended between and upper and lower horizontal beam members. Schneider teaches closure support

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having a door panel 1 hingedly suspended between an upper U and lower L horizontal members (see attached fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Muller with Schneider for a door hingedly suspended on the frame members. The motivation for doing so would have been to conveniently provide an entrance and an exit for the partition system.

In regard claim 8, Schneider additionally teaches the door panel 1 is provided retractable hinge pins 5a, 6a, being proximate to each of the corners of the door panel, the hinge pins when deployed engaging bush 5b, 6b elements held by the beam members, the door panel being hinged proximate to the left edge. Schneider does not teach expressly the door panel is provided four pins instead of two so it could hinge on the right when it deployed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

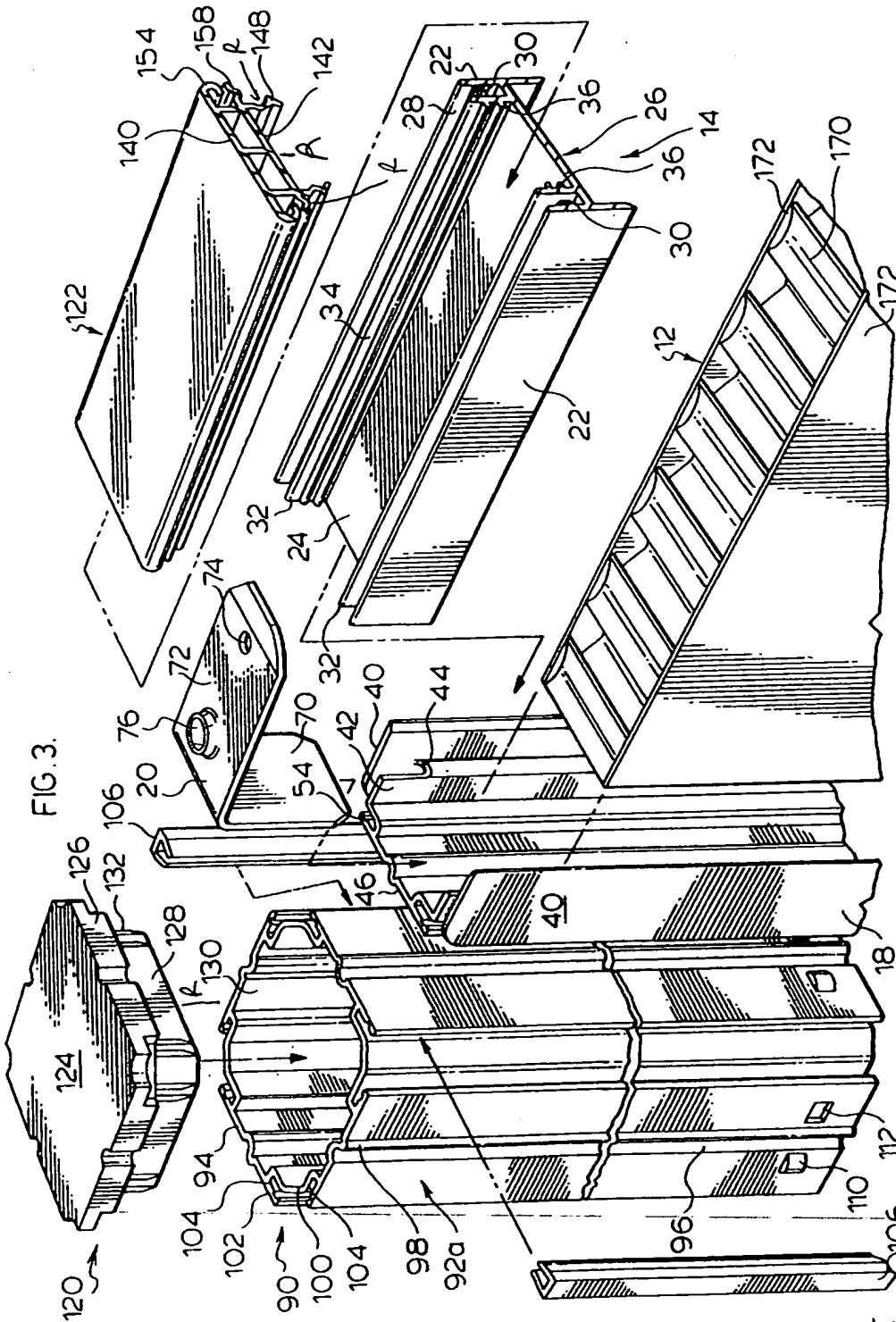
1113.)

CQN

11/22/04



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600



Exhibit

A



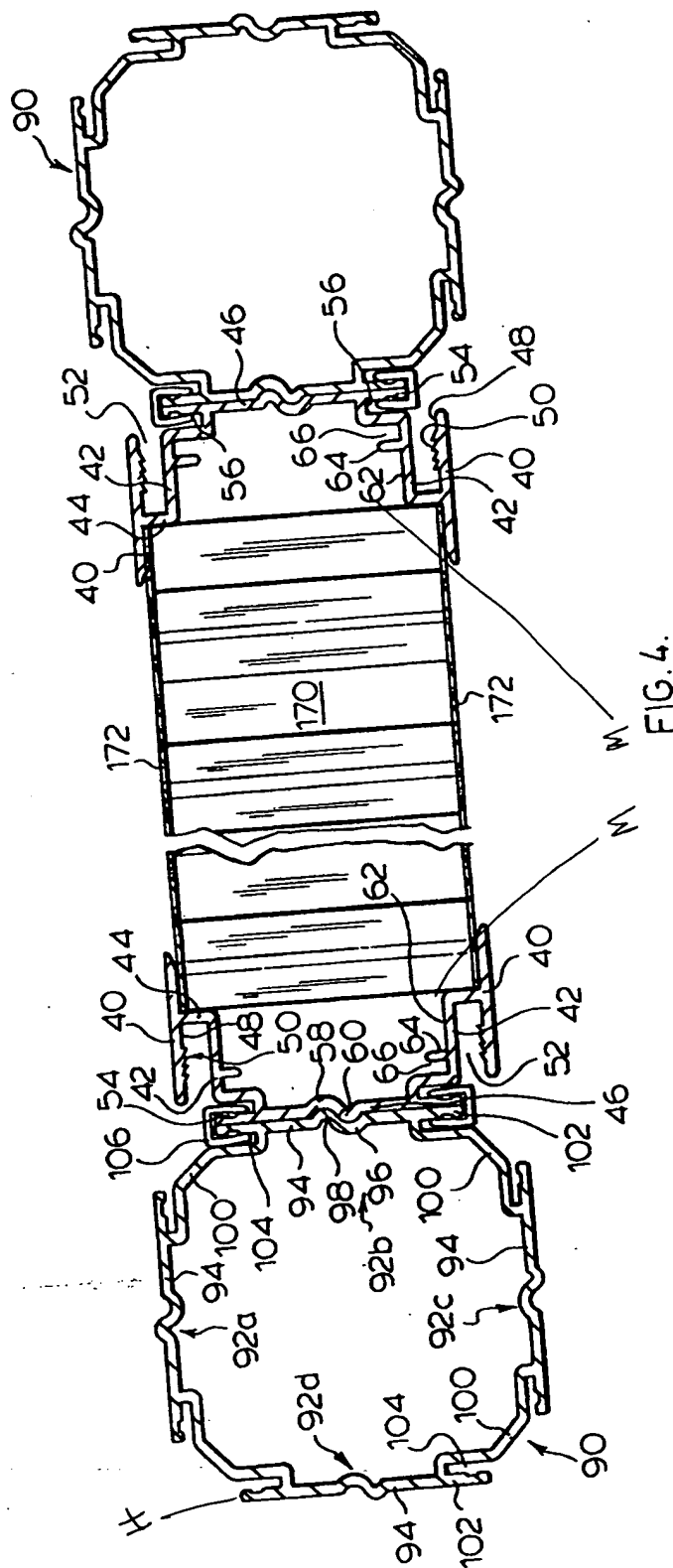


FIG. 4.

Exhibit

B

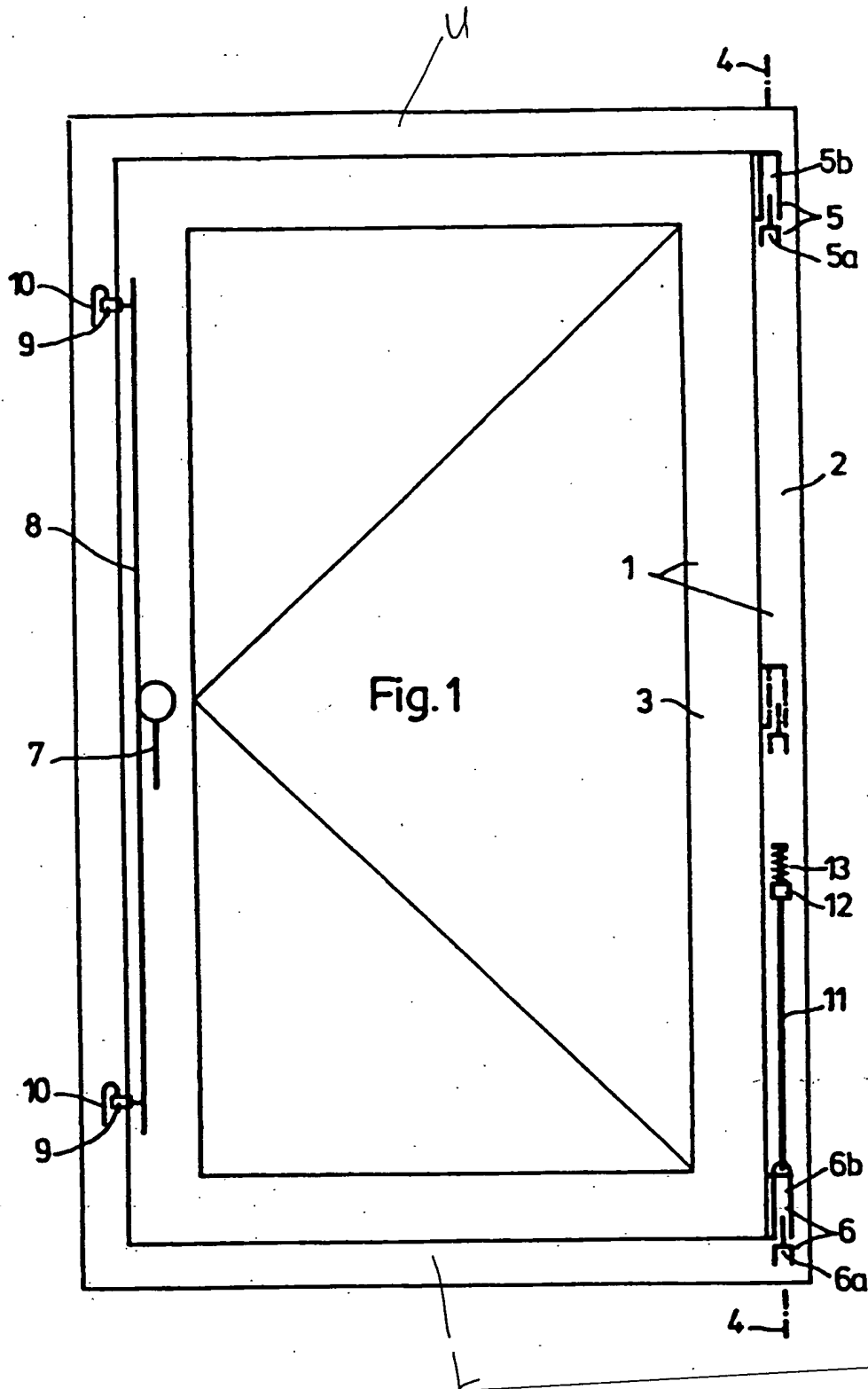


Exhibit  
(C)

